



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122	Manual of Requirements for Child Care Centers	8/6/2009
Subchapter:	1	General Provisions	
Section	2	Definition of child care center (N.J.A.C. 10:122-1.2)	

§10:122-1.2 Definition of child care center

(a) "Child care center" or "center" means any home or facility, by whatever name known, which is maintained for the care, development, or supervision of six or more children under 13 years of age who attend for less than 24 hours a day.

1. For a facility that is located in a sponsor/sponsor representative's home, the Office of Licensing shall not count the children residing in the sponsor/sponsor representative's home in determining whether the facility is serving the minimum number of children that would require it to be licensed as a center.

2. For a child care center operated by a nonprofit organization in a public school building used as a public school, the center shall not be required to meet the requirements in this manual governing the safety and adequacy of the physical plant or facilities, in keeping with P.L. 2000, c.122 (N.J.S.A. 30:5B-5).

(b) The term, child care center, shall include, but not be limited to, day care centers; drop-in centers; night-time centers; recreation-type centers sponsored and operated by a county or municipal government recreation and/or park department or agency; day nurseries; nursery and play schools, cooperative child centers; centers for children with special needs; centers serving sick children; infant-toddler programs; school-age child care programs; employment-related centers; centers that had been licensed by the Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984; and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth.

(c) The term, child care center, shall not include the following programs, since they do not meet the definition of a child care center:

1. A program serving fewer than six children who are below 13 years of age;

2. A program, such as that located in a bowling alley, health spa or other facility, in which:

i. Each child attends on a drop-in basis for no more than two hours; and

ii. The parent of each child attending the program is in the same building, is readily accessible at all times on an on-call basis, and is able to resume control of the child immediately;

3. A child care program operating within a geographic area, enclave or facility that is owned and/or operated by the Federal government;

4. A family day care home that is registered pursuant to the Family Day Care Provider Registration Law, N.J.S.A. 30:5B-16 et seq.;

5. Programs that offer activities for children who attend at their own discretion on an "open door" basis, where there is no agreement, written or implied, between the program and the parent for the program to assume responsibility for the care of the child; and

6. A program offering child care on an ad hoc, sporadic and isolated basis in order to meet an emergency or special need, such as during emergency school closings, conferences or training sessions.

(d) The following programs are exempt from licensure pursuant to the laws specified in N.J.A.C. 10:122-1.1(a):

1. Programs operated by the board of education of a local public school district which is responsible for their implementation and management;

2. Programs operated by, and whose employees are paid by, a private school, which is run solely for educational purposes. Such programs shall include kindergartens, pre-kindergarten programs, or child care centers that are an integral part of a private educational institution or system providing elementary education in grades kindergarten through sixth, seventh, or eighth;

3. Centers or special classes operated:

i. Primarily for religious instruction. To qualify for an exemption from licensing under this provision, a center or special class must:

(1) Be an integral part of a bona fide church or religion;

(2) Serve only children who are two years of age or older;

(3) Provide a program that is composed primarily of religious instruction in which the curriculum is related to religious themes, stories and/or teachings; and

(4) For children under six years of age, operate and provide religious instruction for not more than two hours on any day; or

ii. For the temporary care of children while persons responsible for such children are attending religious services. To qualify for an exemption from licensure under this provision, a center or special class must:

(1) Provide care only for the children of participants in religious services that are an integral part of a bona fide church or religion;

(2) Be arranged by and responsible to the church or religion; and

(3) Provide a program that is composed primarily of religious instruction in which the curriculum is related to religious themes, stories and/or teachings; and

(4) For children under six years of age, operate and provide religious instruction for not more than two hours on any day; or

ii. For the temporary care of children while persons responsible for such children are attending religious services. To qualify for an exemption from licensure under this provision, a center or special class must:

(1) Provide care only for the children of participants in religious services that are an integral part of a bona fide church or religion;

(2) Be arranged by and responsible to the church or religion; and

(3) Provide child care only for the duration of time the services are in progress;

4. Programs of specialized activities or instruction for children that are not designed or intended for child care purposes, including, but not limited to: Boy Scouts, Girl Scouts, 4-H Clubs, Junior Achievement, and commercial indoor playground/sports centers where parents remain with pre-school children; and single activity programs, such as: athletics, gymnastics, hobbies, art, music, dance and craft instruction, which are supervised by an adult, agency or institution. To qualify for an exemption from licensing under this provision, a program must:

i. Provide activities that are supervised on a full-time basis by an adult; and

ii. Provide only a single instruction or activity program. For children under six years of age, such single instruction or activity programs shall be limited to not more than two hours on any day;

5. Youth camps required to be licensed under the Youth Camp Safety Act of New Jersey, pursuant to N.J.S.A. 26:12-1 et seq. To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp, issued by the New Jersey Department of Health. A youth camp sponsor who also operates a child care center shall also secure a license from the Office of Licensing for the center;

6. Regional schools operated by or under contract with the Department of Children and Families. To qualify for an exemption from licensing under this provision, a center must be operated and funded as a regional school by the Department of Children and Families, pursuant to N.J.S.A. 18A:7B-12; and

7. Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for children with disabilities, pursuant to N.J.S.A. 18A:46-1 et seq.